

Rev. 10/02

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

1:08 cv 98-MEF

UNITED STATES DISTRICT COURT		WESTERN DISTRICT OF KENTUCKY	
Name of Movant <u>Claude Lee Woods</u>		Prisoner No. <u>11560-002</u>	Case No. <u>1:04-CR-F-0</u>
Place of Confinement <u>U.S.P. Big Sandy P.O. Box 2068 Inez, Ky 41224</u>			
UNITED STATES OF AMERICA		v. <u>Claude Lee Woods</u> (name under which convicted)	
MOTION			
1. Name and location of court which entered the judgment of conviction under attack: <u>United States District Court for the Middle District of Alabama</u>			
2. Date of judgment of conviction: <u>5/23/2005</u>			
3. Length of sentence: <u>262 months imprisonment, 5 years supervised release, and \$100</u>			
4. Nature of offense involved (all counts): <u>21:841(a)(1) , knowingly and intentionally possession with intent to distribute 50 gram or more of methamphetamine. A schedule III controlled substance.</u>			
5. What was your plea? (Check one)			
(a) Not guilty <input checked="" type="checkbox"/>			
(b) Guilty <input type="checkbox"/>			
(c) Nolo contendere <input type="checkbox"/>			
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details: <u>N/A</u>			
6. If you pleaded not guilty, what kind of trial did you have? (Check one)			
(a) Jury <input checked="" type="checkbox"/>			
(b) Judge only <input type="checkbox"/>			
7. Did you testify at trial? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
8. Did you appeal from the judgment of conviction? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

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2008 FEB 11 P 2:15
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

9. If you did appeal, answer the following:

(a) Name of court to which you appealed: United States Court of Appeals 11th Circuit.

(b) Date the appeal was filed: July, 5, 2006

(c) Result: Feb, 9, 2007 Affirmed Conviction and Sentence

(d) Date of result and citation, if known: Feb, 9, 2007

(e) Grounds raised: Whether the district court Erred in finding Sufficient evidence to sustain a jury verdict of Guilt. Whether the district court erred in denying motion to suppress. If the district court erred in sentence and motion to dismiss.

(f) If you sought further review of this decision by petitioning for certiorari in the United States Supreme Court, please answer the following with respect to your direct appeal:

(1) The date the petition for certiorari was filed: N/A

(2) Result: _____

(3) Date of result and citation, if known: _____

(4) Grounds raised: _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in *any* federal court?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information (Use separate section for each petition/application/motion filed). You may attach additional pages if you filed more than two petitions/applications/motions:

First petition/application/motion

(a) Name of court: _____

(b) Date the first petition, application, or motion was filed: _____

(c) Nature of proceeding: _____

(d) Grounds raised: _____

(c) Did you receive an evidentiary hearing on your petition, application, or motion? Yes ☐ No ☐

(f) Result: _____

(g) Date of Result: _____

(h) Did you appeal to an appellate federal court having jurisdiction, the result of action taken on any petition, application, or motion?

Yes ☐ No ☐

(i) If your answer to (h) was "yes,"

(1) Name of court: _____

(2) The date the appeal was filed: _____

(3) Grounds raised: _____

(4) Result: _____

(5) Date of Result: _____

(j) If your answer to (h) was "no," explain briefly why you did not file an appeal: _____

(k) If you sought further review of this decision by petitioning for certiorari in the United States Supreme Court, please answer the following with respect to your first petition, application, or motion:

(1) The date the petition for certiorari was filed: _____

(2) Result: _____

(3) Date of result and citation, if known: _____

(4) Grounds raised: _____

Second petition/application/motion

(a) Name of court: _____

(b) Date the second petition, application, or motion was filed: _____

(c) Nature of proceeding: _____

(d) Grounds raised: _____

Exhibit 1

I feel due to the fact that my lawyer did not file a motion to dismiss on the speedy trial issue before court it hurt me. Also my lawyer or the U.S. attorney did not inform me of the fact that Florida was willing to consolidate both cases also hurt me by not having this information. Also the judge told me I may could get a Rule 35 if I helped Alabama or Florida which as it turned out I did and never got any help in the Alabama case. Also on my appeal my lawyer should have filed a en banc or a writ of certiorari at the very least. The only thing she said was that the reason she did not was that it was a long shot.

Charles L. Wood

(e) Did you receive an evidentiary hearing on your petition, application, or motion? Yes ☐ No ☐

(f) Result: _____

(g) Date of Result: _____

(h) Did you appeal to an appellate federal court having jurisdiction, the result of action taken on any petition, application, or motion?

Yes ☐ No ☐

(i) If your answer to (h) was "yes,"

(1) Name of court: _____

(2) Date the appeal was filed: _____

(3) Grounds raised: _____

(4) Result: _____

(5) Date of Result: _____

(j) If your answer to (h) was "no," explain briefly why you did not file an appeal: _____

(k) If you sought further review of this decision by petitioning for certiorari in the United States Supreme Court, please answer the following with respect to your second petition, application, or motion:

(1) The date the petition for certiorari was filed: _____

(2) Result: _____

(3) Date of result and citation, if known: _____

(4) Grounds raised: _____

12. State *concisely* every ground on which you claim that you are being held in violation of the Constitution, laws or treaties of the United States. Summarize *briefly* the *facts* that support each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these types of proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, *you should raise in this motion all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: Denial of effective assistance of counsel

Supporting FACTS (state *briefly* without citing cases or law): I feel both lawyers were ineffective due to the fact that neither one filed a motion to dismiss on speedy trial issues. Although I signed a waiver there was a clause added to the waiver. As stated at sentencing my lawyer admits ineffective.

B. Ground two: Denial of effective appellate Counsel.

Supporting FACTS (state *briefly* without citing cases or law):

Ms. James did not file for a rehearing or a petition for certiorari. If this would have been done someone would have seen the error in my suppression hearing P.56 Line 11-25 and P.57 Line 1-12 that it was in fact a pretextual stop.

C. Ground three: Unconstitutional search and seizure.

Supporting FACTS (state *briefly* without citing cases or law): Due to the fact that the stop was in fact pretextual suppression hearing P.56 Line 11-25 and P.57 Line 1-12 that would make the search and seizure illegal. The officer not only admits that it was pretextual he apologized for it to the Judge.

D. Ground four:

Supporting FACTS (state *briefly* without citing cases or law): _____

13. If any of the grounds listed in 12A, B, C or D were not previously presented, state briefly what grounds were not so presented and give your reasons for not presenting them: _____

14. Do you have any petition(s), application(s), motion(s), or appeal(s) now pending in any court as to the judgment under attack?
Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing: Kevin Butler P/D office Montgomery Alabama
- (b) At arraignment and plea: Kevin Butler P/D office Montgomery Alabama
- (c) At trial: Susan James 600 South McDonough St. Montgomery Alabama. 36104
- (d) At sentencing: Susan James 600 S. McDonough St. Montgomery Alabama 36104
- (e) On appeal: Susan James 600 S. McDonough St. Montgomery Alabama 36104
- (f) In any post-conviction proceeding: _____
- (g) On appeal from any adverse ruling in a post-conviction proceeding: _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☐ No ☒

17. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack?
Yes ☒ No ☐

(a) If so, give the name and location of the court which imposed the sentence to be served in the future: Northern District of Florida

(b) Give date and length of the above sentence: 240 months

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future? Yes ☐ No ☒

Wherefore, Movant prays that the Court grant him/her all relief to which he/she may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

2/5/08
Date

Claude Woods
Signature of Movant

I hereby certify that this motion was delivered to the prison mail system for mailing on

02-6-08
Date

Claude Woods
Signature of Movant

Claude Woods

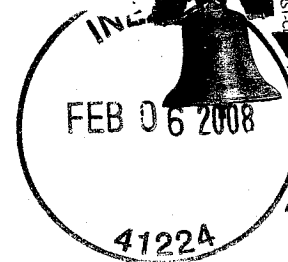
11560-002

U.S.P. Big Sandy

P.O. Box 2068

Inez, Ky

41224



U.S. District Court
Clerk of the Court
One Church St.
Montgomery, AL
36104

27BD, CLOSED

**U.S. District Court
Alabama Middle District (Dothan)
CRIMINAL DOCKET FOR CASE #: 1:04-cr-00012-UJ-VPM All Defendants
Internal Use Only**

Case title: USA v. Woods

Date Filed: 01/21/2004

Date Terminated: 10/17/2005

Assigned to: Hon. Chief Judge Mark E.

Fuller

Referred to: Honorable Vanzetta P.

McPherson

Appeals court case number:

'05-15999-B' 'USCA'

Defendant

Claude Lee Woods (1)

TERMINATED: 10/17/2005

represented by **Federal Defender**

Federal Defenders

Middle District of Alabama

201 Monroe Street, Suite 1960

Montgomery, AL 36104

334-834-2099

Fax: 834-0353

Email: ECFCMALM@fd.org

LEAD ATTORNEY

Designation: Public Defender or

Community Defender Appointment

Denise Arden Simmons

Susan James & Associates

600 South McDonough Street

Montgomery, AL 36104

334-269-3330

Fax: 334-263-4888

Email: Dsimlaw@aol.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Susan Graham James

Susan G. James & Associates

600 S. McDonough Street

Montgomery, AL 36104

334-269-3330

Fax: 334-263-4888

Email: sgjamesandassoc@aol.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Kevin L. Butler

Federal Defenders

Middle District of Alabama

201 Monroe Street, Suite 407

Montgomery, AL 36104

334-834-2099

Fax: 834-0353

Email: kevin_butler@fd.org

TERMINATED: 03/30/2005

ATTORNEY TO BE NOTICED

Pending Counts

21:841(a)(1) - POSS TO DISTB
METHAMPHETAMINE - NMT
\$4,000,000, [*]; NLT 10Y, B; NLT 5Y
SUP REL; VWPA; G-LNS; \$100 SA
(1)

Disposition

262 Mos Imp; 5 Yrs Sup Rel; \$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

United States of America

represented by **Susan R. Redmond**

U.S. Attorney's Office

PO Box 197

Montgomery, AL 36101-0197

334-223-7280

Fax: 223-7560
 Email: susan.redmond@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/21/2004	1	INDICTMENT as to Claude Lee Woods (1) count(s) 1 (ekl) (Entered: 01/27/2004)
01/21/2004		(Court only) **Added party U.S. Pretrial, Montgomery U.S. Probation, US Marshals Service, USA Financial Unit, Dothan U.S. Probation (ekl) (Entered: 01/27/2004)
01/21/2004		Magistrate Judge Vanzetta Penn McPherson assigned to case for discovery matters as well as matters subsequently referred by District Unassigned Judge . (ekl) (Entered: 01/27/2004)
01/21/2004		(ekl) (Entered: 01/27/2004)
01/21/2004		(Court only) **Added Government Attorney Susan R. Redmond as to Claude Lee Woods (ekl) (Entered: 01/27/2004)
01/22/2004	2	Arrest WARRANT issued as to Claude Lee Woods (ekl) (Entered: 01/27/2004)
09/27/2004		(Court only) ***Set/Clear Flags as to Claude Lee Woods (ekl,) (Entered: 09/27/2004)
10/22/2004	3	MOTION for Writ of Habeas Corpus ad prosequendum by United States of America as to Claude Lee Woods. (Attachments: # <u>1</u> Text of Proposed Order)(Redmond, Susan) (Entered: 10/22/2004)
10/22/2004	4	ORDER granting <u>3</u> Motion for Writ of Habeas Corpus ad prosequendum as to Claude Lee Woods (1) for 11/17/04, 10:00 a.m. (arraignment). Signed by Judge Vanzetta P. McPherson on 10/22/04. (snc) (Entered: 10/25/2004)
10/22/2004		(Court only) Set/Reset Hearings as to Claude Lee Woods: ARRAIGNMENT set for 11/17/2004 10:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. ***Location (LO) start as to Claude Lee Woods (snc) (Entered: 10/25/2004)
10/22/2004	5	Writ of Habeas Corpus ad Prosequendum Issued as to Claude Lee Woods for 11/17/2004, 10:00 a.m. (arraignment before Magistrate Judge McPherson). (snc) (Entered: 10/25/2004)
11/04/2004	6	MOTION for Writ of Habeas Corpus ad prosequendum by United States of America as to Claude Lee Woods. (Attachments: # <u>1</u> Text of Proposed Order)(Redmond, Susan) (Entered: 11/04/2004)














11/04/2004	<u>7</u>	ORDER granting <u>6</u> Motion for Writ of Habeas Corpus ad prosequendum as to Claude Lee Woods (1) and directing the Clerk to issue a whcap to Telfair State Prison, Helena, Georgia, for defendant's appearance on 11/17/04, 10 a.m. Signed by Judge Vanzetta P. McPherson on 11/4/04. (snc) (Entered: 11/05/2004)
11/04/2004	<u>9</u>	Writ of Habeas Corpus ad Prosequendum as to Claude Lee Woods issued 10/25/04 to Troup County Correctional Institute Returned Unexecuted; defendant moved to Telfair State Prison (snc) (Entered: 11/08/2004)
11/05/2004		(Court only) ***Set/Clear Flags as to Claude Lee Woods (snc) (Entered: 11/05/2004)
11/05/2004	<u>8</u>	Writ of Habeas Corpus ad Prosequendum Issued to Telfair State Prison, Helena, GA, as to Claude Lee Woods for 11/17/2004, 10:00 a.m. (snc) (Entered: 11/05/2004)
11/17/2004	<u>10</u>	MOTION for Detention Hearing by United States of America as to Claude Lee Woods. (Redmond, Susan) (Entered: 11/17/2004)
11/17/2004		ORAL ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Claude Lee Woods Federal Defender for Claude Lee Woods appointed. . Signed by Judge Vanzetta P. McPherson on 11/17/04. (jct,) (Entered: 11/17/2004)
11/17/2004	<u>11</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Arraignment as to Claude Lee Woods (1) Count 1 held on 11/17/2004, Initial Appearance as to Claude Lee Woods held on 11/17/2004, Plea entered by Claude Lee Woods (1) Count 1. by Claude Lee Woods Not Guilty on counts 1. (Recording Time 10:12 - 10:15.) (jct,) (Entered: 11/17/2004)
11/17/2004		(Court only) ***Set/Clear Flags as to Claude Lee Woods (snc) (Entered: 11/17/2004)
11/17/2004	<u>12</u>	ORDER ON ARRAIGNMENT Pretrial Conference set for 12/20/2004 09:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. Jury Trial set for trial term of 1/10/2005. Pretrial Motions due by 12/18/2004. Response to Motion due by 12/30/2004. Discovery due by 11/29/2004. Signed by Judge Vanzetta P. McPherson on 11/17/04. (kcg,) (Entered: 11/17/2004)
11/22/2004	<u>14</u>	Arrest Warrant Returned Executed on 11/16/04 as to Claude Lee Woods. (kcg,) (Entered: 12/02/2004)
11/23/2004	<u>13</u>	NOTICE OF ATTORNEY APPEARANCE: Kevin L. Butler appearing for Claude Lee Woods (Butler, Kevin) (Entered: 11/23/2004)
12/16/2004	<u>15</u>	MOTION to Suppress <i>Stop, Search and Seizure and Citations of Authority</i> by Claude Lee Woods. (Butler, Kevin) (Entered: 12/16/2004)
12/17/2004	<u>16</u>	ORDER as to Claude Lee Woods that on or before 12/28/2004, the Government shall file a response to the Motion to Suppress Stop, Search













		and Seizure (Doc. #15). Evidentiary Hearing on the Motion is set for 1/4/2005 09:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. Signed by Judge Vanzetta P. McPherson on 12/17/04. (kcg,) (Entered: 12/17/2004)
12/20/2004	<u>17</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Pretrial Conference as to Claude Lee Woods held on 12/20/2004 (Recording Time 9:08 - 9:14.) (jct,) (Entered: 12/20/2004)
12/20/2004		ORAL MOTION to Continue suppression hearingby United States of America as to Claude Lee Woods. (jct,) (Entered: 12/20/2004)
12/20/2004		ORAL ORDER as to Claude Lee Woods granting ORAL MOTION to Continue Evidentiary Hearing (motion to suppress) filed by United States of America, Evidentiary Hearing reset from 1/4/05 to 1/12/2005 09:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson.. Signed by Judge Vanzetta P. McPherson on 12/20/04. (jct,) (Entered: 12/20/2004)
12/21/2004	<u>20</u>	ORDER denying as moot ¹⁰ Motion for Detention Hearing as to Claude Lee Woods (1). Signed by Judge Vanzetta P. McPherson on 12/21/04. (jct,) (Entered: 12/23/2004)
12/22/2004	<u>18</u>	MOTION to Continue trial by Claude Lee Woods. (Attachments: # <u>1</u> Waiver of Speedy Trial)(Butler, Kevin) (Entered: 12/22/2004)
12/22/2004	<u>19</u>	ORDER as to Claude Lee Woods setting Motion Hearing for 1/12/2005 09:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson re <u>15</u> MOTION to Suppress <i>Stop, Search and Seizure</i> filed by Claude Lee Woods . Signed by Judge Vanzetta P. McPherson on 12/22/04. (snc) (Entered: 12/22/2004)
12/28/2004	<u>21</u>	RESPONSE to Motion by United States of America as to Claude Lee Woods re <u>15</u> MOTION to Suppress <i>Stop, Search and Seizure and Citations of Authority</i> (Redmond, Susan) (Entered: 12/28/2004)
01/04/2005	<u>22</u>	MOTION to Continue <i>Suppression Hearing, Unopposed</i> by Claude Lee Woods. (Butler, Kevin) (Entered: 01/04/2005)
01/04/2005	<u>23</u>	ORDER as to Claude Lee Woods that based upon the defendant's Unopposed Motion to Continue Suppression Hearing (Doc. #22), filed on January 4, 2005, and for good cause, it is ORDERED that the motion is GRANTED. The evidentiary hearing set for January 12, 2005 is hereby CONTINUED to January 18, 2005 at 11:00 a.m. in Courtroom 5-A. Signed by Judge Vanzetta P. McPherson on 1/4/05. (kcg,) (Entered: 01/05/2005)
01/04/2005	<u>24</u>	ORDER as to Claude Lee Woods, ORDER TO CONTINUE - Ends of Justice as to Claude Lee Woods GRANTING <u>18</u> MOTION to Continue trial filed by Claude Lee Woods. Jury Trial is continued from 1/10/2005 to 4/18/2005 before UNASSIGNED JUDGE. Pretrial Conference set for 3/21/2005 09:00 AM in Courtroom 5A before Honorable Vanzetta P.

		McPherson. Signed by Judge Vanzetta P. McPherson on 1/4/05. (kcg,) (Entered: 01/05/2005)
01/06/2005	<u>25</u>	NOTICE OF ATTORNEY APPEARANCE: Susan Graham James appearing for Claude Lee Woods (James, Susan) (Entered: 01/06/2005)
01/06/2005	<u>26</u>	MOTION to Withdraw as Attorney by Kevin L. Butler. by Claude Lee Woods. (Butler, Kevin) (Entered: 01/06/2005)
01/18/2005	<u>27</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Motion Hearing as to Claude Lee Woods held on 1/18/2005 re <u>15</u> MOTION to Suppress Stop, Search and Seizure and Citations of Authority filed by Claude Lee Woods, (Court Reporter Jimmy Dickens.) (Attachments: # <u>1</u> Witness List# <u>2</u> Exhibit List) (jct,) (Entered: 01/18/2005)
01/25/2005	<u>28</u>	MOTION to Suppress by Claude Lee Woods. (James, Susan) (Entered: 01/25/2005)
02/17/2005	<u>29</u>	ORDER for good cause shown as to Claude Lee Woods that this case is assigned to Judge Mark E. Fuller on the term of court commencing on April 18, 2005 . Signed by Judge Vanzetta P. McPherson on 2/17/05. (kcg,) (Entered: 02/17/2005)
02/17/2005		Case as to Claude Lee Woods Assigned to Judge Mark E. Fuller. Unassigned Judge no longer assigned to the case. (kcg,) (Entered: 02/17/2005)
03/21/2005	<u>30</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Pretrial Conference as to Claude Lee Woods held on 3/21/2005 (Recording Time 9:24 - 9:25.) (jct,) (Entered: 03/21/2005)
03/25/2005	<u>31</u>	RECOMMENDATION OF THE MAGISTRATE JUDGE as to Claude Lee Woods regarding Doc. #15 Motion to Suppress Stop, Search and Seizure filed December 16, 2004. Objections to R&R due by 4/1/2005. Signed by Judge Vanzetta P. McPherson on 3/25/05. (kcg,) (Entered: 03/28/2005)
03/30/2005	<u>32</u>	PRETRIAL CONFERENCE ORDER as to Claude Lee Woods Jury Trial (which is expected to last two days) is set for 4/18/2005 before Hon. Chief Judge Mark E. Fuller. Jury Selection set for 4/18/2005 before Hon. Chief Judge Mark E. Fuller. Voir Dire due by 4/11/2005; Proposed Jury Instructions due by 4/11/2005; Motions in Limine due by 4/11/2005; Plea Agreement due by 4/11/2005. Signed by Judge Vanzetta P. McPherson on 3/30/05. (kcg,) (Entered: 03/30/2005)
03/30/2005	<u>33</u>	ORDER granting 26 Motion to Withdraw as Attorney. Kevin L. Butler withdrawn from case as to Claude Lee Woods (1). The Clerk shall forward all documents related to this matter to counsel of record, Susan James, Esq. Signed by Judge Vanzetta P. McPherson on 3/30/05. (kcg,) (Entered: 03/30/2005)








03/31/2005	<u>34</u>	ORDER as to Claude Lee Woods that on March 25, 2005, the Magistrate Judge entered a Recommendation on the motion to suppress (Doc. #31). It is ORDERED that the Recommendation be construed as applicable to the Motion to Suppress and the Supplement to Motion to Suppress, as further set out. Signed by Judge Vanzetta P. McPherson on 3/31/05. (kcg,) (Entered: 03/31/2005)
04/05/2005	<u>35</u>	MOTION for Extension of Time to File <i>Objections to Magistrate Report and Recommendations</i> by Claude Lee Woods. (James, Susan) (Entered: 04/05/2005)
04/05/2005	<u>36</u>	OBJECTION TO REPORT AND RECOMMENDATIONS <u>31</u> by Claude Lee Woods (James, Susan) (Entered: 04/05/2005)
04/06/2005	<u>37</u>	ORDER granting <u>35</u> Motion for Extension of Time to File Objections as to Claude Lee Woods (1). Signed by Judge Vanzetta P. McPherson on 4/6/05. (kcg,) (Entered: 04/06/2005)
04/08/2005	<u>38</u>	NOTICE <i>Extend Time for Change of Plea and Placement on Next Trial Calendar</i> by Claude Lee Woods (James, Susan) (Entered: 04/08/2005)
04/08/2005	<u>39</u>	ORDER, JUDGMENT and DECREE of the Court that: (1) Defendant's Objection to the Report and Recommendation (Doc. #36), filed on April 5, 2005, is OVERRULED; (2) The Recommendation of the Magistrate Judge (Doc. #31) regarding the Defendant's Motion to Suppress (Doc. #15), which was construed by Order of the Magistrate Judge (Doc. #34) as also applicable to the Defendant's Supplement to Motion to Suppress (Doc. #28), is ADOPTED; and (3) The Defendant's Motion to Suppress Stop, Search and Seizure (Doc. #15) and the Defendant's Supplement to Motion to Suppress (Doc. #28), which was docketed as a Motion to Suppress, are DENIED. Signed by Judge Mark E. Fuller on 4/8/05. (kcg,) (Entered: 04/08/2005)
04/11/2005	<u>40</u>	Proposed Jury Instructions by United States of America as to Claude Lee Woods (Redmond, Susan) (Entered: 04/11/2005)
04/11/2005	<u>41</u>	Proposed Voir Dire by United States of America as to Claude Lee Woods (Redmond, Susan) (Entered: 04/11/2005)
04/12/2005	<u>42</u>	ORDER TO CONTINUE - Ends of Justice as to Claude Lee Woods. That the defendant's motion filed April 8, 2005 is GRANTED. Jury Trial is re-set from 4/18/2005 to 5/16/2005 before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 4/12/05. (kcg,) (Entered: 04/12/2005)
04/12/2005	<u>43</u>	ORDER as to Claude Lee Woods that based upon this court's order setting the trial in the above-styled case for May 16, 2005, and for good cause, it is ORDERED that the parties shall appear for a Final Pretrial Conference set for 4/25/2005 09:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. Signed by Judge Vanzetta P. McPherson on 4/12/05. (kcg,) (Entered: 04/12/2005)

04/14/2005	●	Reset Deadlines/Hearings as to Claude Lee Woods: Pretrial Conference reset for 4/25/2005 08:00 AM in Courtroom 5A before Honorable Vanzetta P. McPherson. (war,) (Entered: 04/14/2005)
04/18/2005	● <u>45</u>	WAIVER of Speedy Trial Rights by Claude Lee Woods (kcg,) (Entered: 04/25/2005)
04/25/2005	● <u>44</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Pretrial Conference as to Claude Lee Woods held on 4/25/2005 (Recording Time FTR: 8:47 - 8:49.) (war) (Entered: 04/25/2005)
04/26/2005	● <u>46</u>	PRETRIAL CONFERENCE ORDER as to Claude Lee Woods Jury Selection set for 5/16/2005 before Hon. Chief Judge Mark E. Fuller. Jury Trial (which is expected to last 1 day)is set for 5/16/2005 before Hon. Chief Judge Mark E. Fuller. Voir Dire due by 5/9/2005; Proposed Jury Instructions due by 5/9/2005; Motions in Limine due by 5/9/2005; Plea Agreement due by 5/9/2005. Signed by Judge Vanzetta P. McPherson on 4/26/05. (kcg,) (Entered: 04/26/2005)
04/28/2005	● <u>47</u>	MOTION for Special Setting for Trial by United States of America as to Claude Lee Woods. (Redmond, Susan) (Entered: 04/28/2005)
04/29/2005	● <u>48</u>	ORDER as to Claude Lee Woods that upon consideration of the government's Motion for Special Setting for Trial (Doc. #47) filed on April 28, 2005, it is hereby ORDERED that a Status Conference be set for 5/6/2005 10:00 AM in Chambers before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 4/29/05. (kcg,) (Entered: 04/29/2005)
05/03/2005	● <u>49</u>	MOTION for Release from Custody by United States of America as to Claude Lee Woods. (Attachments: # <u>1</u> Text of Proposed Order)(Redmond, Susan) (Entered: 05/03/2005)
05/03/2005	● <u>50</u>	ORDER granting <u>49</u> Motion for Release of prisoner as to Claude Lee Woods (1), directing the USM to release the defendant to agents as outlined in order, and directing agents to return said prisoner to USM when they have finished with him. Signed by Judge Vanzetta P. McPherson on 5/3/05. (snc) (Entered: 05/03/2005)
05/06/2005	●	Case as to Claude Lee Woods Reassigned to Judge Truman M. Hobbs. Judge Mark E. Fuller no longer assigned to the case. MOTIONS as to Claude Lee Woods REFERRED to Magistrate Judge: (kcg,) (Entered: 05/06/2005)
05/12/2005	● <u>51</u>	ORDER granting <u>47</u> Motion as to Claude Lee Woods (1). Signed by Judge Truman M. Hobbs on 5/12/2005. (sql,) (Entered: 05/12/2005)
05/12/2005	●	Set/Reset Deadlines/Hearings as to Claude Lee Woods: Jury Selection set for 5/16/2005 10:00 AM in Courtroom 2C before Honorable W. Harold Albritton III. Jury Trial set for 5/23/2005 09:30 AM in Courtroom 2D before Honorable Truman M. Hobbs. (sql,) (Entered: 05/12/2005)

05/13/2005	 <u>52</u>	Proposed Voir Dire by Claude Lee Woods (James, Susan) (Entered: 05/13/2005)
05/13/2005	 <u>53</u>	Proposed Jury Instructions by Claude Lee Woods (James, Susan) (Entered: 05/13/2005)
05/16/2005	 <u>54</u>	NOTICE OF ATTORNEY APPEARANCE: Denise Arden Simmons appearing for Claude Lee Woods (sql,) (Entered: 05/16/2005)
05/16/2005		Minute Entry for proceedings held before Judge W. Harold Albritton III: Voir Dire held on 5/16/2005 as to Claude Lee Woods (Court Reporter Jimmy Dickens.) (sql,) (Entered: 05/18/2005)
05/23/2005		ORAL MOTION (in open court) for Judgment of Acquittal by Claude Lee Woods. (jct,) (Entered: 05/23/2005)
05/23/2005		ORAL ORDER denying Oral Motion for Judgment of Acquittal as to Claude Lee Woods (1). Signed by Judge Truman M. Hobbs on 5/23/05. (jct,) (Entered: 05/23/2005)
05/23/2005	 <u>55</u>	Jury Instructions as to Claude Lee Woods (jct,) (Entered: 05/23/2005)
05/23/2005	 <u>56</u>	JURY VERDICT as to Claude Lee Woods (1) Guilty on Count 1. (jct,) (Entered: 05/23/2005)
05/23/2005	 <u>57</u>	Minute Entry for proceedings held before Judge Truman M. Hobbs : Jury Trial as to Claude Lee Woods held on 5/23/2005 (Court Reporter Heather Barnett.) (Attachments: # <u>1</u> Witness List# <u>2</u> Government's Exhibit List) (Exhibit 1 in separate envelope with court file; Exhibit 7 located in exhibit room)(jct,) (Entered: 05/23/2005)
05/24/2005		Case as to Claude Lee Woods Reassigned to Judge Mark E. Fuller. Judge Truman M. Hobbs no longer assigned to the case. (kcg,) (Entered: 05/24/2005)
06/16/2005	 <u>58</u>	ORDER as to Claude Lee Woods Sentencing set for 8/11/2005 09:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. On or before July 21, 2005, the defendant and the Government shall communicate in writing to the probation officer, and to each other, any objections they have as to any material information, etc. That, unless excused in writing by the Chief U.S. Probation Officer of this district, counsel for the parties shall be available for a conference with the probation officer on July 22, 2005, at 9:30 a.m., to discuss and resolve, if possible, factual and legal issues contained in the presentence report, as further set out. Signed by Judge Mark E. Fuller on 6/16/05. (kcg,) (Entered: 06/16/2005)
07/26/2005		TRANSCRIPT of Trial Proceedings as to Claude Lee Woods held on 5/23/05 before Judge Hon. Truman M. Hobbs. Court Reporter: Dunn, King & Associates. (ws,) (Entered: 07/27/2005)
08/05/2005	 <u>59</u>	MOTION to Continue <i>Sentencing</i> by United States of America as to Claude Lee Woods. (Redmond, Susan) (Entered: 08/05/2005)

08/10/2005	 <u>60</u>	ORDER as to Claude Lee Woods Granting <u>59</u> MOTION to Continue <i>Sentencing</i> filed by United States of America; Sentencing set for 8/11/05 is CONTINUED to 10/13/2005 at 11:00 AM in Courtroom 2A before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 8/10/05. (ws) (Entered: 08/10/2005)
10/07/2005	 <u>61</u>	ORDER as to Claude Lee Woods Sentencing set for 10/13/2005 at 11:00 a.m. is reset for 10/13/2005 at 09:00 AM in Courtroom 2B before Hon. Chief Judge Mark E. Fuller. Signed by Judge Mark E. Fuller on 10/7/05. (jct,) (Entered: 10/07/2005)
10/11/2005	 <u>62</u>	SENTENCING MEMORANDUM by Claude Lee Woods (James, Susan) (Entered: 10/11/2005)
10/13/2005	 <u>63</u>	Minute Entry for proceedings held before Judge Mark E. Fuller :Sentencing held on 10/13/2005 as to Claude Lee Woods (1), Count(s) 1, 262 Mos Imp; 5 Yrs Sup Rel; \$100 SA. (Court Reporter James R. Dickens.) (kcg,) (Entered: 10/14/2005)
10/13/2005		ORAL MOTION to have defendant sentenced by Trial Judge Truman Hobbs by Claude Lee Woods. (kcg,) (Entered: 10/14/2005)
10/13/2005		ORAL ORDER as to Claude Lee Woods DENYING ORAL MOTION to have defendant sentenced by Trial Judge Truman Hobbs filed by Claude Lee Woods . Signed by Judge Mark E. Fuller on 10/13/05. (kcg,) (Entered: 10/14/2005)
10/13/2005		ORAL MOTION for Judgment of Acquittal Pursuant to Double Jeopardy by Claude Lee Woods. (kcg,) (Entered: 10/14/2005)
10/13/2005		ORAL ORDER as to Claude Lee Woods DENYING ORAL MOTION for Judgment of Acquittal Pursuant to Double Jeopardy filed by Claude Lee Woods . Signed by Judge Mark E. Fuller on 10/13/05. (kcg,) (Entered: 10/14/2005)
10/13/2005		ORAL MOTION for Judgment of Acquittal Pursuant to Speedy Trial Rights and Denied Due Process by Claude Lee Woods. (kcg,) (Entered: 10/14/2005)
10/13/2005		ORAL ORDER as to Claude Lee Woods DENYING ORAL MOTION for Judgment of Acquittal Pursuant to Speedy Trial Rights and Denied Due Process filed by Claude Lee Woods . Signed by Judge Mark E. Fuller on 10/13/05. (kcg,) (Entered: 10/14/2005)
10/17/2005	 <u>64</u>	JUDGMENT as to Claude Lee Woods (1), Count(s) 1, 262 Mos Imp; 5 Yrs Sup Rel; \$100 SA . Signed by Judge Mark E. Fuller on 10/17/05. (kcg,) (Entered: 10/17/2005)
10/17/2005		(Court only) ***Case Terminated as to Claude Lee Woods (kcg,) (Entered: 10/17/2005)
10/24/2005	 <u>65</u>	NOTICE OF APPEAL by Claude Lee Woods re Oral Order, Terminate Motions, <u>64</u> Judgment, Oral Order, Terminate Motions (James, Susan)

		(Entered: 10/24/2005)
10/24/2005	●	Transmission of Notice of Appeal and Certified copy of Docket Sheet and Judgment as to Claude Lee Woods to US Court of Appeals re <u>65</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 10/24/2005)
11/04/2005	●	USCA Case Number as to Claude Lee Woods 05-15999-B for <u>65</u> Notice of Appeal - Final Judgment filed by Claude Lee Wood. (ydw,) (Entered: 11/04/2005)
11/04/2005	●	USCA Case Number as to Claude Lee Woods 05-15999-B for <u>65</u> Notice of Appeal - Final Judgment filed by Claude Lee Woods. (ydw,) (Entered: 11/07/2005)
11/09/2005	●	USCA Appeal Fees received \$ 255.00, receipt number 108402 as to Claude Lee Woods re <u>65</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 11/10/2005)
11/28/2005	● <u>66</u>	Received TRANSCRIPT Order Information Sheet re <u>65</u> Notice of Appeal - Final Judgment from Susan James counsel for Appellant Claude Lee Woods, with following notation: "Pre-Trial (Suppression) proceedings held on 1/18/05, before Mag. Judge McPherson, James Dickens C/R; Trial held 5/23/05, before Judge Truman Hobbs, Heather Barnett, C/R. Sentencing held 10/13/05 before Judge Mark E. Fuller, James Dickens C/R. copies to Court reporters. (ydw,) Modified on 2/15/2006 to reflect that the 5/23/05 hearing by Dunn, King & Associates was filed 7/26/05 (ydw,). (Entered: 12/12/2005)
12/05/2005		(Court only) Payment Received: as to Claude Lee Woods \$ 100.00 assessment, receipt number 108624 (ws,) (Entered: 12/06/2005)
01/24/2006	● <u>67</u>	MOTION requesting to proceed In Forma Pauperis for purpose of obtaining a free transcript for appeal by Claude Lee Woods. (ydw,) (Entered: 01/24/2006)
02/10/2006	● <u>68</u>	ORDER granting <u>67</u> Motion Requesting to Appeal In Forma Pauperis for Purposes of Obtaining a Free Transcript as to Claude Lee Woods (1). Signed by Judge Mark E. Fuller on 02/10/06. (ydw,) (Entered: 02/10/2006)
02/22/2006	●	TRANSCRIPT filed as to Claude Lee Woods for dates of 01/18/05, Suppression Hearing before Judge Vanzetta McPherson, re 05-15999-B, <u>65</u> Notice of Appeal - Final Judgment Court Reporter: James Dickens. (ydw,) (Entered: 02/22/2006)
02/22/2006	●	TRANSCRIPT filed as to Claude Lee Woods for dates of 10/13/05, Sentencing Hearing before Judge Mark E. Fuller, re 05-15999-B, <u>65</u> Notice of Appeal - Final Judgment Court Reporter: James Dickens. (ydw,) (Entered: 02/22/2006)
03/02/2006	● <u>69</u>	CJA 24 as to Claude Lee Woods: Authorization to Pay James R. Dickens \$429.00 for Pre-Trial (Suppression) and Sentencing Proceeding

		Transcript, . Signed by Judge Mark E. Fuller on 03/02/06. (ydw,) Additional attachment(s) added on 7/20/2006 (ydw,). (Entered: 03/03/2006)
07/17/2006		Certificate of Readiness to US Court of Appeals re 05-15999-B, <u>65</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 07/17/2006)
09/18/2006		Request for Record on Appeal By USCA Eleventh Circuit re: 05-159999-BB, <u>65</u> Notice of Appeal (ydw,) (Entered: 09/19/2006)
09/19/2006		Certified and Transmitted Record on Appeal as to Claude Lee Woods to US Court of Appeals re 05-15999-BB, <u>65</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 09/19/2006)
09/28/2006		Acknowledgement of Receipt of Record on Appeal from USCA re 05-15999-B, <u>65</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 09/28/2006)
03/13/2007	 <u>70</u>	Per Curiam Opinion received from USCA Eleventh Circuit of Opinion Entered on 2/9/07; We affirm the district court's orders denying Wood's motion to suppress and his motion to dismiss. We also affirm Wood's conviction and sentence. AFFIRMED. (ydw,) (Entered: 03/15/2007)
03/13/2007	 <u>71</u>	JUDGMENT ISSUED AS MANDATE 3/12/07 of USCA (certified copy) as to Claude Lee Woods re 05-15999-BB, <u>65</u> Notice of Appeal - Final Judgment; AFFIRMING the district court's decision. (ydw,) (Entered: 03/15/2007)
03/13/2007		Appeal Record Received from USCA re 05-15999-BB, 65 Notice of Appeal - Final Judgment (ydw,) (Entered: 03/15/2007)

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

CLAUDE LEE WOODS

Case Number: 1:04CR12-F

USM Number: 11560-002

Susan G. James

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 1 of the Indictment by a Jury on 5/23/2005
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:


<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21:841(a)(1)	Possession with Intent to Distribute Methamphetamine	8/14/03	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 13, 2005

Date of Imposition of Judgment



Signature of Judge

MARK E. FULLER, CHIEF U.S. DISTRICT JUDGE

Name and Title of Judge

17 OCTOBER 2005

Date

DEFENDANT: CLAUDE LEE WOODS
CASE NUMBER: 1:04CR12-F

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

Two hundred sixty two (262) months.

X The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that defendant be designated to a facility where Intensive Residential Substance Abuse Treatment is available.

The Court further recommends that defendant be placed in a facility close to his families residence in Georgia.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: **CLAUDE LEE WOODS**
CASE NUMBER: **1:04CR12-F**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Five (5) years.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: **CLAUDE LEE WOODS**
CASE NUMBER: **1:04CR12-F**

SPECIAL CONDITIONS OF SUPERVISION

Defendant shall participate in drug testing and/or treatment. Defendant shall contribute to the cost of any treatment based on ability to pay and availability of third party payments.

Defendant shall submit to a search of his person, residence, office or vehicle pursuant to the search policy of this Court.

DEFENDANT: **CLAUDE LEE WOODS**
CASE NUMBER: **1:04CR12-F**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$ 0	\$ 0

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ _____ 0	\$ _____ 0
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- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **CLAUDE LEE WOODS**
CASE NUMBER: **1:04CR12-F**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary payments shall be made payable to the Clerk, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36101.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.